

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-48 remain pending, claims 1, 25, 27, 31, 33, 35, 37, 39-41, 43-45, 47, and 48 being independent claims. In this Reply, Applicants have amended claims 25, 37, 39-41, 43, 44, 47, and 48.

Prior Art Rejection

Claims 1-48 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Enomoto et al.* (U.S. Patent 5,974,401). This rejection is respectfully traversed.

Initially, Applicants note that the present application is a continuation, under 37 C.F.R. § 1.53(b), of prior Application No. 08/970,427 filed November 14, 1997. Thus, the earliest effective filing date of the present application is November 14, 1997. The applied reference, *Enomoto*, did not issue until October 26, 1999 from Application No. 08/922,239 filed September 3, 1997. Therefore, the applied reference is prior art under 35 U.S.C. § 102(e).

Applicants direct the Examiner's attention to 35 U.S.C. § 103(c), which indicates that "[s]ubject matter developed by another person, which qualifies as prior art under sub-sections (e), (f), and (g) of § 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." With reference to the assignee information of the *Enomoto* patent, indicating assignment to Fuji Photo Film Co. and the assignment

records of the present application, also indicating assignment to Fuji Photo Film Co., Applicants submit that the reference applied under 35 U.S.C. § 103 and the presently claimed invention were owned by the same entity or at least subject to an obligation of assignment at the time of invention. Thus, *Enomoto* cannot be applied against claims of this application in a rejection under 35 U.S.C. § 103.

At least for this reason, Applicants respectfully traverse the rejection and request that the Examiner withdraw the outstanding rejection.

Additionally, Applicants note that, particularly as amended herein, each independent claim of this application requires the use of "a center server" in a network photograph service/print order environment. For example, independent claim 1 is directed to a network photograph service system comprising: at least one laboratory server that is installed in one of a plurality of laboratories, each laboratory having a picture printer and having an ability to communicate via a network; and a center server that is connected to the laboratory server, wherein a plurality of templates are registered in the center server, and wherein the center server includes a function making the templates accessible on the network.

The inventors of this application have found that the use of a center server for storing images for a plurality of laboratory servers facilitates handling customer orders, for example by providing a convenient way for customers to order photograph service at a processing lab remote from the processing lab at which photographic prints were first ordered. See e.g., page 17, para. [0079].

In applying *Enomoto* against claims of the present application, the Examiner asserts on page 1 of the Office Action that workstation 13 of Fig. 1 in *Enomoto* corresponds to the "center server" of the present claims. Applicants note, however, that workstation 13 of *Enomoto* stores data sent from clients of a predetermined laboratory (photofinisher 12), and does not function as a central server for a plurality of laboratories.

Furthermore, with reference to dependent claims 17-24, specifying that the center server stores a template as low resolution image data, Applicants respectfully submit that the cited disclosure of image data compression in *Enomoto* does not suggest storing a template as low resolution image data. The use of image data compression for increasing memory space does not require creating a low resolution file, e.g., creating thumbnail images used for displaying so that a user can easily select between images. At least for this additional reason, Applicants respectfully submit that the reasoning set forth in support of the rejection under 35 U.S.C. § 103 fails to establish *prima facie* obviousness.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103.

CONCLUSION

Should there be any outstanding matters which need to be resolved in the present application, we respectfully request the Examiner to contact the undersigned at

(703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

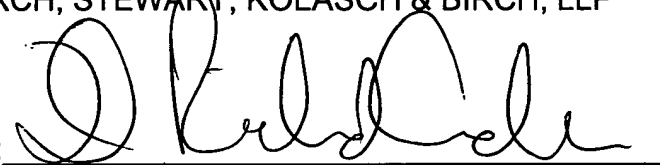
Applicants respectfully petition for a two (2) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$400.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

A handwritten signature in black ink, appearing to read 'D. Richard Anderson', is written over a horizontal line.

D. Richard Anderson, #40,439

DRA/jdm
2091-0245P

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

25. (Amended) A network photograph service system comprising a center server that stores a photograph taken by a customer as digital image data, the center server carrying out processing for providing services regarding the storage of the digital image data to the customer.

37. (Amended) A method of ordering prints comprising the steps of:
 accessing image data stored in a center server via a network;
 receiving a printing service order transferred from a customer that is related to the image data;
 creating order information representing the printing service order; and
 transmitting the order information to the center server.

39. (Amended) A print order processing method comprising the steps of:
 analyzing whether or not a customer has an access right to image data based on order information transferred from the customer to a center server via a network, the order information representing a printing service order that is related to image data; and
 carrying out processing for providing a printing service to the customer only when the access right is confirmed.

40. (Amended) A print order processing method comprising the steps of:

selecting a laboratory to output a print from a plurality of selectable laboratories, each laboratory having a picture printer and having an ability to communicate via a network, the selection based on order information which is transferred from a customer to a center server via the network, the order information representing a printing service order related to image data used to output the print; and

ordering a laboratory server in the selected laboratory to carry out processing for providing the printing service by transmitting instruction information from the center server to the laboratory server.

41. (Amended) A printing order apparatus comprising:

access means for accessing image data stored in a center server via a network;

receiving means for receiving a printing service order transferred from a customer that is related to the image data;

creating means for creating order information representing the printing service order; and

transmitting means for transmitting the order information to the center server.

43. (Amended) A printing order processing apparatus comprising:

analyzing means for analyzing whether or not a customer has an access right to image data based on order information transferred from the customer to a center server via a network, the order information representing a printing service order that is related to image data; and

processing means for carrying out processing for providing a printing service to the customer only when the access right is confirmed.

44. (Amended) A printing order processing apparatus comprising:

selecting means for selecting a laboratory to output a print from a plurality of selectable laboratories, each laboratory having a picture printer and having an ability to communicate via a network, the selection based on order information which is transferred from a customer to a center server via the network, the order information representing a printing service order related to image data used to output the print; and

ordering means for ordering a laboratory server in the selected laboratory to carry out processing for providing the printing service by transmitting instruction information from the center server to the laboratory server.

47. (Amended) A computer program product comprising a computer-readable medium having computer program logic stored thereon for enabling a processor in a computer system to perform print order processing, said computer program logic enabling the processor to:

analyze whether or not a customer has an access right to image data based on order information transferred from the customer to a center server via a network, the order information representing a printing service order that is related to image data; and carry out processing for providing a printing service to the customer only when the access right is confirmed.

48. (Amended) A computer program product comprising a computer-readable medium having computer program logic stored thereon for enabling a processor in a computer system to perform print order processing, said computer program logic enabling the processor to:

select a laboratory to output a print from a plurality of selectable laboratories, each laboratory having a picture printer and having an ability to communicate via a network, the selection based on order information which is transferred from a customer to a center server via the network, the order information representing a printing service order related to image data used to output the print; and

order a laboratory server in the selected laboratory to carry out processing for providing the printing service by transmitting instruction information from the center server to the laboratory server.